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DEAN L. LUNDIN
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BY MEED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA,

Plaintiff,

vs.

VERONICA DAMIANO,
MICHELLE GUTIERREZ OTT,
PIO DAMIANO, JR., and
DOUGLAS ROBERT PACKER,

Defendants.

CASE No. CR98000549
GJ No. 98-0575
INDICTMENT
[DR#1998-040797]

The grand jurors of the County of Cochise, in the name of the State of Arizona, and by its authority accuse **VERONICA DAMIANO, MICHELLE GUTIERREZ OTT, PIO DAMIANO, JR., and DOUGLAS ROBERT PACKER** and charge that in Cochise County:

COUNT ONE: CONSPIRACY TO COMMIT FRAUDULENT SCHEMES and ARTIFICES, and DEFRAUDING SECURED CREDITORS Class Two Felony

Beginning on or about July, 1995 and continuing to on or about January, 1996, **VERONICA DAMIANO, MICHELLE GUTIERREZ OTT, PIO DAMIANO, JR and DOUGLAS ROBERT PACKER** and others conspired together to defraud Southeastern Arizona Credit Union. The object of the conspiracy to commit Fraudulent Schemes and Artifices and Defrauding Secured Creditors by obtaining repossessed vehicles at below market value and then reselling the vehicles for financial gain. In addition, outstanding loan balances on the vehicles purchased were held by Southeastern Credit Union and were charged off. In furtherance thereof the following overt acts were committed:

A. MITSUBISHI MONTERO

1. On or about May 11, 1995, **MICHELLE GUTIERREZ OTT**, authorized repossession of the 1988 Mitsubishi Montero from Jorge Contreras in which Southeastern Arizona Federal Credit Union held a security interest.
2. On or about July 6, 1995, **VERONICA DAMIANO** offered or presented a signed

1 Property Bid Form, allegedly signed by Ramon Leyva, her father, with an offer of \$658 for 1988
2 Mitsubishi Montero, with a market value of at least \$5,000, to Southeastern Arizona Federal
Credit Union.

3 3. On or about July 7, 1995, **DOUGLAS ROBERT PACKER**, accepted the bid of \$658.00
4 for the purchase of the 1988 Mitsubishi Montero.

5 4. On or about July 20, 1995, the outstanding loan balance of \$8,264.19 on the 1988
6 Mitsubishi Montero was charged off by **DOUGLAS ROBERT PACKER** and was no longer
carried as a balance due and owing to the Southeastern Arizona Federal Credit Union.

7 5. On or about August 2, 1995, **PIO DAMIANO, JR.**, spouse of **VERONICA DAMIANO**,
took as his sole and separate property title to the 1988 Mitsubishi Montero.

8 6. On or about August 7, 1995, **VERONICA DAMIANO and PIO DAMIANO, JR.**,
9 husband and wife, using the 1988 Mitsubishi Montero as a trade in the amount of \$5,000
acquired a 1994 Chevrolet Blazer.

10 B. 1987 NISSAN PICKUP TRUCK

11 7. On or about July 7, 1995, **MICHELLE GUTIERREZ OTT** notarized an Affidavit of
12 Repossession for a 1987 Nissan pickup truck owned by Fernando F. Gomez in which the
Southeastern Arizona Credit Union held a security interest.

13 8. On or about October 16, 1995, **MICHELLE GUTIERREZ OTT** notarized a Bill of Sale
14 identifying Steven G. Ott, her father, as the buyer of the 1987 Nissan pickup truck with purchase
price of \$1,000.

15 9. On or about October 24, 1995, Bill of Sale for 1987 Nissan pickup truck, listing the sale
16 price as \$2,000, notarized by **MICHELLE GUTIERREZ OTT** and filed with the Department
of Motor Vehicle indicates that the vehicle was purchased by **MICHELLE GUTIERREZ OTT**
17 and Alfredo Gutierrez, her husband at the time, SEAFUCU not from Steven G. Ott. In addition,
the \$2,000 sale price allegedly paid by **MICHELLE GUTIERREZ OTT** and Alfredo Gutierrez
was never received by Southeastern Arizona Federal Credit Union.

18 10. On or about October 30, 1995, the outstanding loan balance for the 1987 Nissan pickup
19 truck was charged off by **DOUGLAS ROBERT PACKER** and was no longer carried as a
balance due and owing to the Southeastern Arizona Federal Credit Union.

20 In violation of A.R.S. §§ 13-1003; 13-2310; 13-2204; 13-603; 13-701; 13-702; 13-801;
21 13-804; and 13-811.

22 **COUNT TWO: FRAUDULENT SCHEME AND ARTIFICE**
23 **Class Two Felony**

24 On or about the 7th day of July, 1995, **VERONICA DAMIANO** pursuant to a scheme or artifice
25 to defraud, obtained a benefit from Southeastern Arizona Credit Union, by means of false or
fraudulent pretenses, representations, promises or material omissions.

26 In violation of A.R.S. §§ 13-2310; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.

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COUNT THREE: FRAUDULENT SCHEME AND ARTIFICE
Class Two Felony

On or about the 24th day of October, 1995, **MICHELLE GUTIERREZ OTT** pursuant to a scheme or artifice to defraud, obtained a benefit from Southeastern Arizona Credit Union, by means of false or fraudulent pretenses, representations, promises or material omissions.

In violation of A.R.S. §§ 13-2310; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.

COUNT FOUR: DEFRAUDING JUDGMENT CREDITORS
Class Six Felony

On or about the 7th day of July, 1995, **VERONICA DAMIANO** knowingly destroyed, removed, concealed, encumbered, converted, sold, obtained, transferred, controlled or otherwise dealt with 1988 Mitsubishi Montero, property subject to a security interest held by Southeastern Arizona Credit Union, with the intent to hinder or prevent enforcement of that interest.

In violation of A.R.S. §§ 13-2204; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.

COUNT FIVE: DEFRAUDING JUDGMENT CREDITORS
Class Six Felony

On or about the 24th day of October, 1995, **MICHELLE GUTIERREZ OTT** knowingly destroyed, removed, concealed, encumbered, converted, sold, obtained, transferred, controlled or otherwise dealt with 1987 Nissan pickup truck, property subject to a security interest held by Southeastern Arizona Credit Union, with the intent to hinder or prevent enforcement of that interest.

In violation of A.R.S. §§ 13-2204; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.

COUNT SIX: DEFRAUDING JUDGMENT CREDITORS
Class Six Felony

On or about the 20th day of July, 1995, **DOUGLAS ROBERT PACKER** knowingly destroyed, removed, concealed, encumbered, converted, sold, obtained, transferred, controlled or otherwise dealt with 1988 Mitsubishi Montero, property subject to a security interest held by Southeastern Arizona Credit Union, with the intent to hinder or prevent enforcement of that interest.

In violation of A.R.S. §§ 13-2204; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.

COUNT SEVEN: DEFRAUDING JUDGMENT CREDITORS
Class Six Felony

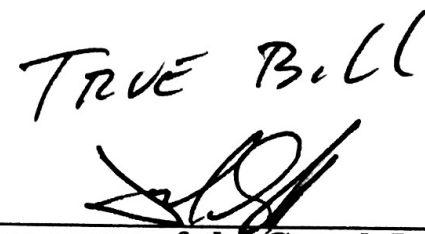
On or about the 30th day of October, 1995, **DOUGLAS ROBERT PACKER** knowingly destroyed, removed, concealed, encumbered, converted, sold, obtained, transferred, controlled or otherwise dealt with 1987 Nissan pickup truck, property subject to a security interest held by Southeastern Arizona Credit Union, with the intent to hinder or prevent enforcement of that interest.

1 In violation of A.R.S. §§ 13-2204; 13-603; 13-701; 13-702; 13-801; 13-804; and 13-811.
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3 **ALAN K. POLLEY**
4 **COCHISE COUNTY ATTORNEY**

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7 By:

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9 **SYLVIA E. GOODWIN**
10 *Assistant Attorney General*

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Foreperson of the Grand Jury

Dated 12-18-98